

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

BAKERSFIELD FIELD OFFICE

DECISION RECORD

Project Title: Case Mountain Potential Craig Ranch Acquisition

Environmental Assessment Number: DOI-BLM-CAC060-2013-0199-EA

BACKGROUND

Case Mountain – the name generally used to describe the BLM-administered public lands south/south east of the community of Three Rivers – is a unique region of public lands in that it holds the only giant sequoia groves managed by BLM. In addition to this, the area consists of almost 20,000 acres of contiguous public land containing a wealth of resources from important cultural resource sites to sensitive wildlife habitats, and from rare cave and karst geology to exceptional recreation opportunities. Although this wealth of resources and opportunities exist the area is largely unknown due to the challenges of access.

A combination of the topography of the region and surrounding private property has resulted in a situation where access to the area is restricted to three main routes – only one of which is authorized for public use. These routes all originate in the community of Three Rivers, California. The public access, via a public access easement, exists from the terminus of Skyline Drive allowing the public to traverse private property – 1,200 feet on an old roadbed to access public lands. All public access along this easement and into public lands has historically been non-motorized (e.g., equestrian, pedestrian and mountain bikes) and controlled by locked gates at both the terminus of Skyline Drive and at the boundary of public lands. Access, including motorized access, for authorized and permitted users has occurred on all three routes entering the area. On Oak Grove Road and Craig Ranch Road this access occurs within an administrative easement provide for these routes. Access at both these locations is again controlled via locked gates.

Issues and management concerns regarding public access to the Case Mountain area include trespass, recreational traffic through and parking in the Skyline Drive neighborhood, litter, sanitation, and undesirable or conflicting uses. An opportunity exists to address these issues as a 59-acre portion of the Craig Ranch property – that portion containing both public and administrative easements for Skyline Drive and Craig Ranch Road, is potentially available for acquisition by the BLM.

The purpose of the action is to provide safe, suitable public access for recreational use of the Case Mountain area while reducing the impacts of such access on authorized uses and activities, nearby residential areas, and ensuring the continued protection and enhancement of the Area of Critical Environmental Concern's (ACEC) relevant and important values identified in the Caliente Resource Management Plan (RMP), approved 1997.

The need for the action is to resolve unsafe and problematic parking and public access situation occurring at the terminus of Skyline Drive.

An Environmental Assessment (EA) has been completed that provides a site specific analysis of potential impacts that could result from the implementation of five alternative courses of action regarding acquisition and facility development. The EA is attached to, and incorporated by reference in, this FONSI determination.

DECISION

The BLM will pursue and seek acquisition of approximately 59 acres of private property – a portion of the Craig Ranch - adjacent to BLM-administered public lands at Case Mountain. The acquired property will be included in the proposed Case Mountain ERMA boundaries and subject to any relevant special management provided by this designation. In addition, the acquisition will not be added to any existing grazing allotments, but will be available for livestock grazing for the purposes of vegetation management, if needed. By this decision the acquired routes are designated as follows:

- The acquired route beyond the terminus of Skyline Drive (current easement) as a "Primitive Road, for Motorized Use by Authorized Users Only".
- The acquired user-created trail leading directly east from the terminus of Skyline Drive as a "Trail for Non-Motorized Use".
- The acquired portion of Craig Ranch/Salt Creek Road as a "Primitive Road, for Motorized Use by Authorized Users Only".

On receipt of this property the BLM will implement the following management, including actions and facility developments, to address safe, suitable public access and resource protection needs provided the acquisition included public access from California Highway 198 on Craig Ranch Road. Should public access not be available a new decision may be made regarding other alternatives considered in the associated EA.

Skyline Drive:

The following infrastructure will be developed at the terminus of Skyline Drive on the newly acquired property as funding becomes available. This development will be phased and/or

prioritized to ensure facilities are not opened prematurely. This prioritization is indicated by the order in which the following items appear:

- The gate at the current public lands boundary will remain in place and locked while providing continued access to authorized users.
- Construct a small parking area at the terminus of Skyline Drive on the acquired property [See SP-3 Alternative D]. The parking area will accommodate up to 10 vehicles and not provide parking for trailers.
- A physical barrier (post-and-cable or post-and-rail fence) will be installed to delineate the parking area. Access for pedestrians, equestrians, and mountain bikers will be provided by a pedestrian gate in the physical barrier.
- The existing kiosk will be relocated within the parking area and contain general information on Case Mountain, rules and regulations etc.
- Relocate the existing gate at the terminus of Skyline Drive approximately 50 feet south of its current location – just past the parking area; the gate will be locked and keys/combinations provided only to those with a specific authorization.
- The BLM will work with Tulare County to install, or have installed no parking signs along the segment of Skyline Drive historically used for parking.
- Install styles, gates, and/or other fence crossings to accommodate passage of pedestrians, equestrians, and mountain bikes.

Craig Ranch Road:

The following infrastructure will be developed along Craig Ranch Road on the newly acquired property as funding becomes available. This development will be phased and/or prioritized to ensure facilities are not opened prematurely. This area will not be available for public use until the first ten items are completed. The prioritization is indicated by the order in which the following items appear:

- The BLM will pursue an agreement with residents along Craig Ranch Road to address and appropriately divide responsibilities in maintaining or improving the road. Public access along the route would not, however, be contingent upon such an agreement and would be managed in accordance with the relevant deed and/or easement regarding such access.
- Remove the existing barn and portions of the livestock pens including the concrete slab under the barn [See SP-1 Demolition Plan – Alternative C].
- Construct a parking area and trailhead along Craig Ranch Road on the acquired property to accommodate parking for approximately 10 vehicles and five vehicles with trailers – approximately 15,000 sq ft., and provide pull-through parking sufficient for the five vehicles with trailers separate from the other vehicle parking [SP-2 Site Plan as proposed Alternative

C]. The parking area will be surfaced with crushed aggregate road base and delineated by a physical barrier (post-and-cable fence).

- Modify and refurbish the existing livestock handling corral and pen with reclaimed materials from the structures being removed to provide two connected pens for sorting livestock and livestock access from the west side. Move the existing water-trough to the modified corral/pen.
- Construct a Site Host Area adjacent to the parking area, including a leveled pad for a trailer up to 45 feet in length, installation of a self-contained water tank and service lines, electrical hookups and septic system. Recruit site host volunteers to assist the BLM as an on-site presence for a six-month period – this position will be filled year-round.
- Utilize existing electrical lines to provide power for the electric gate and host site hookups. If needed to power this infrastructure, underground electrical lines will be buried three feet deep in a narrow trench dug by machine.
- Develop two trails to provide access from the parking area to Craig Ranch Road and the ponds. One trail to primarily accommodate equestrian traffic and the other to accommodate pedestrian and mountain bike traffic. Provide self-closing pedestrian access gates and 12 foot pipe gate for livestock passage to and from corral at the fence on the current public lands boundary.
- Install a locked gate south of the parking area to restrict motorized access.
- Replace the existing gate at the current public lands boundary with a spring-loaded self-closing gate to provide visitor access while preventing livestock passage.
- Replace the gate accessing the parking area with an electronic self-closing (slide) gate with keypad control and pressure/magnetic opener – on the inside of the gate, to allow for authorized and emergency vehicle access and after hours exit.
- The BLM will work with residents along Craig Ranch Road to install suitable “No Parking” signs along the road and sign a speed limit of 15 mph – installing speed bumps if needed.
- Install a kiosk, trailhead and interpretive signs, within the parking area boundary.
- Install a site identification sign stating: “Kaweah ACEC / Case Mountain Access” at the entrance to the parking area.
- Install one double vault toilet (two stalls) and an emergency call box within the parking area boundary.
- Install three equestrian staging pens with access to livestock water adjacent to the parking area near the trailer parking and equestrian trail head.

Establish the Following Supplementary Rules:

The following supplementary rules will be established through the BLM’s rule creation process. This process will begin once the property has been acquired with the intent of these rules being enforceable as the infrastructure becomes available for public use.

- No camping or campfires at or within a ½-mile of either the Skyline Drive turnaround or Case Mountain Access Point.
- No shooting, including any forms of target shooting and hunting, within ¾-mile of these developed areas.
- No unauthorized entry to Case Mountain Access Points between dusk and dawn.

Project Design Features

The following project design features will be implemented during ground disturbing activities i.e., the development of infrastructure:

Air Quality

Emissions of fugitive dust from disturbed surfaces will be minimized by utilizing appropriate control measures. Surface application of water from a water truck is the proposed method of dust control during construction activities.

Cultural Resources

All ground disturbing activity in locations that have not been heavily disturbed by earth-moving equipment will require prior notice to interested tribes that have requested to be present. A minimum thirty days will be required to coordinate monitoring efforts.

Areas developed for public use will contain appropriate signing notifying users of the general presence of important cultural resources and the specific laws pertaining to the management of those resources.

In the event of inadvertent discovery of cultural resources during implementation of an undertaking which has been exempted under Appendix D of the BLM California Cultural Program Protocol (Revised October 5, 2012), Field Office Cultural Staff and the Field Office Manager shall be immediately notified by personnel responsible for implementation of the exempted undertaking. All work shall cease at the site of discovery and all other work which may damage the cultural resource shall also cease until appropriate mitigation measures can be determined.

Soil and Water Resources

Road construction/reconstruction shall be conducted so as to reduce sediment generation and delivery by following designs for road systems, incorporating adequate drainage structures, and stabilizing areas of disturbed soil such as road fills.

Stabilize all disturbed areas with mulch, erosion fabric, vegetation, rock, large organic materials, engineered structures, or other stabilization measures according to the Erosion Control Plan, and project specifications and drawings for permanent controls (that is, crib walls, gabions, riprap placement, and so forth)

Prevent scour and reduce the velocity and/or energy of water flow from road and parking areas utilizing outlet protection/velocity dissipation devices such as riprap at outlets and over side drains.

ALTERNATIVES CONSIDERED BUT NOT SELECTED

The project considered a total of five alternatives, these included: a “no-action” alternative (Alternative A), whereby the BLM would not seek acquisition of the property and make no changes to infrastructure or management of the area; an alternative that did not seek acquisition (Alternative B), but did propose the development of new infrastructure within the existing boundaries of BLM-administered public lands, and prescribe changes to management; two alternatives (Alternatives C and D) that proposed acquisition with both infrastructure development and new prescribed management; and a final alternative (Alternative E) that considered acquisition, with no new infrastructure, but proposed new prescribed management.

DECISION RATIONALE

The decision best addresses the purpose and need by addressing long standing parking and access issues on Skyline Drive in an equitable fashion by providing a small amount of parking at Skyline Drive and a larger parking area suitable for trailers at Craig Ranch Road. This decision addresses many of the community concerns expressed during the public workshop and received during the public scoping period through the creation of new supplementary rules, the provision of and commitment to an on-site presence once the infrastructure has been fully developed and the phased and prioritized approach to development.

This decision is believed to have benefits beyond merely addressing the purpose and need of the action. It will bring additional acreage under the BLM’s protective management, including protections afforded to Salt Creek, its associated riparian area, and any cultural resources that may be present. Furthermore, acquisition and development of these recreational access points meets the objectives for the proposed Case Mountain ERMA and increases the accessibility of recreation opportunities found there. Finally, the project will serve as a catalyst for new partnerships solidifying the BLM’s relationship with the community of Three Rivers, which in turn may result in improved management efficiencies for this and other public lands in the region.

It is acknowledged that this decision has been reached in light of specific and localized concerns expressed by residents along Craig Ranch Road who would be directly impacted by increased traffic passing their properties. The BLM analysis, however, finds that these impacts would be minimal based on the proximity of the homes to the road, the presence of vegetative screening, and the relatively minor increase in overall traffic anticipated as a result of this decision. This analysis was not challenged or questioned through public comments on the EA; although some of the comments received were from residents of Craig Ranch Road. After considering the

potential impacts to residents along Craig Ranch Road along with the management direction provided by both the Caliente RMP and Bakersfield Proposed RMP; the resolution of parking issues and the overall benefits to recreational users overshadow the minimal disturbance to the atmosphere of the community along Craig Ranch Road.

CONSULTATION AND COORDINATION

Consultation with US Fish and Wildlife Service was not required as there will be no impacts to listed species or critical habitat. Blue elderberry plants, the host species for the federally listed valley elderberry longhorn beetle, will not be affected by the actions in this decision. No other federally listed species are expected to occur in the vicinity of the parcel. Critical habitat does not occur on the proposed acquisition parcel or the adjacent BLM land.

The BLM is required to initiate government to government consultation with American Indian tribes under the National Historic Preservation Act (NHPA, 16 U. S. C. Section 470f). Additional requirements for tribal consultation can be found in the Native American Religious Freedom Act of 1978 (AIRFA), the National Environmental Policy Act of 1969 (NEPA), The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), Executive Order 13175: "Consultation and Coordination with Indian Tribal Governments", Executive Order 13007: "Indian Sacred Sites" (1996), and Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (1994)

As directed by the Advisory Council on Historic Preservation (ACHP):

"Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and provide the ACHP a reasonable opportunity to comment on those undertakings. The NHPA requires that, in carrying out the Section 106 review process, the federal agency must consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by the agency's undertakings. Consultation constitutes more than simply notifying an Indian tribe about a planned undertaking. The ACHP views consultation as a process of communication that may include written correspondence, meetings, telephone conferences, site visits, and e-mails."

Tribal consultation for the potential land acquisition was initiated on April 30, 2013 in the form of certified letters to interested tribal governments and individuals who have been identified as being potentially interested with projects within the Case Mountain region. Continued consultation efforts were on-going throughout the project planning process and included site visits with tribal members, phone calls, email correspondence, and face to face meetings.

These efforts will continue throughout the implementation phases of the project, and beyond in the general and continued management of the area.

PUBLIC INVOLVEMENT

Public involvement has been critical to the planning of this project and will continue to be critical throughout project implementation and beyond in general management of the acquired property and the Case Mountain area.

Although project planning was on a somewhat accelerated timeline, steps for public involvement were established to ensure both the local community and visitors to Case Mountain were provided the opportunity to participate. These public involvement efforts included: a public workshop on May 29th 2013 to garner initial public input on which to set the project scope, establish the purpose and need, and draft potential alternatives; a formal public scoping period between July 1st 2013 and July 21st 2013 – which included a public information meeting on July 9th 2013; and a public review and comment period running from August 9th 2013 until August 23rd 2013.

The public scoping period generated 20 written letters, presenting a range issues and/or concerns with the proposed alternatives. This scoping feedback resulted in several changes from the original proposal, including the addition of two new alternatives to address a no-infrastructure alternative, and an alternative with parking divided between two access points. These new alternatives, along with the originally proposed alternatives and a few other minor changes were fully analyzed and the resulting Environmental Assessment published on August 9th with a notification sent to those who attended any of the meetings, or has expressed interest in the project via another means.

The public review and comment period for the Environmental Assessment generated eight comment letters. The comments contained in these letters were related to the air quality analysis, challenging some of the analysis assumptions, impact to the community of homes on Craig Ranch Road, parking at Skyline Drive, notification of a California endangered plant species, and availability of funding for the project. These comments have been grouped into like subjects and are officially responded to below:

Acquisition Only

One commenter contended that the sensitive resources of the Case Mountain area, including the cultural and historical resources on the acquisition parcel, could best be managed through limiting public access, which the commenter believes would best be provided through Alternative E and permitted uses (guided tours or shuttle services).

Response: For clarification, the structures on the proposed acquisition parcel, which the commenter believes have historic value, have been determined by BLM archaeological staff to

be heavily modified and lack historic integrity, therefore are not eligible for inclusion in the Register of Historic Places. As such, under Alternative E as proposed, these structures would be removed in this alternative and any acquisition alternative due to the potential safety issues they pose to the general public.

The commenter's assertion that public access would best be provided through guided tours or shuttle service would overly restrict the variety of recreation opportunities and would not be in concert with the direction for the proposed ERMA. The outfitter and guide services the commenter suggests are considered through a separate Special Recreation Permit process and would serve to provide a portion of the recreation opportunities managed for in the ERMA.

Air Quality Analysis

The commenters questioned the adequacy of the air quality analysis, specifically the level of emissions from traffic on the unpaved proposed parking area and access roads and the proximity to homes and the Santa Teresita youth center. Concern was also expressed about the increase in dust from recreationists using the trails and campfires contributing to unhealthy emissions.

Response: Whilst the commenters correctly express concern over travel on unpaved roads, this decision selects the alternative that minimizes the amount of unpaved road by placing parking facilities in the immediate proximity of existing paved roads thus reducing travel on unpaved areas. Although the parking areas themselves would still be gravel surface the reduced speeds of travel in the parking areas would reduce dust emissions. The alternative and resulting decision includes design features specifically for control of dust emissions in the disturbed areas (parking areas and access roads) and the implementation of dust control measures as needed.

The decision establishes a minimal amount of new trails that would also be subject to dust monitoring and appropriate abatement should these trails or the increased use create excessive dust emissions. The restriction imposed on camping and campfires may overall reduce the number of campers through an unwillingness to walk the additional distance to where camping is allowed and would move all campfire related sources of air pollutants this additional distance from residences and the youth center.

Challenging Analysis Assumption(s)

Some commenters challenged the accuracy of some analysis assumptions: (1) The county zoning of the potential acquisition could result in development of up to 50 homes; these comments stated the infeasibility of this scale of development given the infrastructure costs and county regulations specifically those pertaining to residential development in rural high fire areas. (2) The assumption that unauthorized parking and access currently occurring would continue is incorrect; the commenter believes a new private property owner would enforce

unauthorized access and parking issues – as these issues were non-existent until the previous owner became deceased. (3) The assumption that BLM will acquire a public access easement from highway 198 to public lands along Craig Ranch Road. (4) The absence or failure to cite a credible source for information regarding the present level of use through Skyline Drive. (5) The assertion that the county could post speed limit and no parking signs on Salt Creek Road.

Response: (1) The environmental analysis clearly states that the disposition of the property should the BLM not acquire it is not reasonable foreseeable. In the absence of a reasonably foreseeable scenario, the maximum development that would be allowed by the current county zoning is used for analysis purposes. It is recognized for those reasons presented by the commenters and based on the topography and soil suitability that development to this extent would be most unlikely. The information presented in the EA is merely a tool for comparative analysis between the alternatives to highlight the difference between the unknown and the BLM's proposed plan.

(2) While it is true that a new property owner may strictly address illegal parking and trespass issues, it is unknown whether this would be the case and the past performance of a previous landowner is insufficient basis to make this determination whereas the continued habits of recreational visitors is expected to go unchanged without a high level of enforcement.

(3) For clarification, the decision has been written to ensure it is clearly understood that if public access easement on Craig Ranch Road could not be acquired, the project would not occur in the fashion described in this document. A new decision may be made implementing elements of the alternatives that do not require this public access.

(4) There is sufficient information gathered by BLM staff during field visits, demonstrable evidence of exceeding parking capacity on Skyline Drive (i.e., road deterioration), and a history of complaints from residents that this, coupled with the anecdotal evidence, serves to establish satisfactory credibility for the BLM to make a decision.

(5) No such assertion is made as it pertains to Craig Ranch Road. As described in the decision the BLM would work with residents along this road to post appropriate speed limit and no parking signs. Additionally, as described in the decision, the BLM would work with Tulare County to install no parking signs on Skyline Drive over which the county does hold jurisdiction.

Funding

Some commenters questioned whether funding is or would be available to construct the proposed infrastructure and manage the facilities in the future. Concern was also expressed about the length of time it might take to construct the facilities and how the current level of access would be impacted. The commenters express concern as to whether BLM has considered the economic realities of this level of development and current budgets especially

given that other nearby areas have been closed to public access due to lack of funds to adequately manage the visitor use.

Response: Although the analysis assumes complete funding for the facilities and future management, the commenters do present valid concerns especially give current federal budgets. As such the priorities for implementation have been clearly identified in this decision to ensure that public access could be effectively managed after acquisition has been completed.

Impact to Community of Homes on Craig Ranch Road

The commenter notes that Craig Ranch Road is currently a private road and makes the unsubstantiated claim that ownership by the BLM or development of public access infrastructure would decrease property values.

Response: While the BLM recognizes the commenters concerns over the impact acquisition and infrastructure development may have on property values, a quick literature review of the impact of parks and open spaces on property values turns up a number of articles that essentially elude to either negligible impacts on property values, or increases in value directly associated with the open space and park facilities. Once such article, “The Impact of Parks on Property Values: A Review of the Empirical Evidence” published in the Journal of Leisure Research in 2001 states “the studies’ results suggest that a positive impact of 20% on property values abutting or fronting a passive park area is a reasonable starting point. If it is a heavily used park catering to large numbers of active recreation users, the proximate value increment may be minimal on abutting properties, but may reach 10% on properties two or three blocks away.” (John L Crompton, National Recreation and Park Association, 2001). These studies directly contradict the concerns of the commenter, and suggest that decision may indirectly result in an increase in property values – this may be both beneficial and adverse given a property price increase may result in increased property taxes.

Parking at Skyline Drive

Some commenters encouraged the provision of parking at Skyline Drive. One commenter questioned the design of the proposed parking area requesting it be enlarged to accommodate horse trailers. A final comment suggested that the alleged parking problem could be handled by county established parking and enforcement regulations.

Response: Parking at Skyline Drive will be provided in this decision in the form of a small parking area accommodating 10 vehicles, but not trailers, at the terminus of the road on the proposed acquisition parcel. The size of this parking area is dictated both by the topography of the site and the long standing management concern for traffic and safety issues. The commenter is correct that the current defacto parking area at the end of Skyline Drive could

have been handled by the county and residents, independent of the BLM. Eliminating parking through establishment of no parking areas, however, would limit access to the Case Mountain area for all but those who walk or ride from their residences to public lands and would not be consistent with the recreation goals and objectives of the ERMA.

In addition to written comments, a voicemail was received questionings the impact of the decision on private property fence-lines at the current terminus of Skyline Drive. Although this cannot be considered a formal comment, it is noted that the BLM would not adjust, relocate or otherwise interfere with private property fence-lines. The decision has been modified to clarify that new fencing would be installed on BLM-acquired property to achieve the parking area delineation.

PLAN CONSISTENCY

This decision has been reviewed for conformance with the guidance provided in the Caliente RMP. The project conforms with the objectives in the Caliente RMP through acquisition of lands from willing sellers that are adjacent to Areas of Critical Environmental Concern (ACEC). In addition, this project would not introduce public motorized vehicle use of the routes within the ACEC beyond that necessary for parking and staging. Furthermore, this project will not impair the values considered to be of sufficient relevance and importance to warrant protection through the designation of the area as an ACEC.

In addition, this decision has been reviewed to confirm it would be in conformance with the Bakersfield Proposed RMP (BLM, 2012). The project would conform to the proposed goals, objectives, and management decisions in the Bakersfield Proposed RMP by acquiring and improving legal public access to suitable parking area and developing facilities to support use at a parking area in support of the Extensive Recreation Management Area designation.

ADMINISTRATIVE REMEDIES

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor:

U.S. Department of the Interior
Office of the Solicitor, Pacific Southwest Region
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's internet website.



Gabriel Garcia
Field Manager
Bakersfield Field Office

8/29/2013

Date